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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,585	05/12/2005	Robert Apfelbeck	SCH-00097	3018

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EXAMINER

MAY, ROBERT J

ART UNIT PAPER NUMBER

2875

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/506,585	Applicant(s) APFELBECK, ROBERT	
	Examiner Robert May	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 11 is/are rejected.
- 7) ☒ Claim(s) 8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/9/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Illuminating Foldable Exterior Rear View Mirror

The Specification is objected to because it should not refer to specific claims as done on Page 1.

### ***Claim Objections***

Claim 8 is objected to because "the operating position" on lines 3-4 lacks antecedent basis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5-7, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller (US Pat 6,582,109). Miller discloses in Figure 7 an exterior rearview mirror comprising a mirror head 128 with a mirror base 130 attached to a vehicle, to which mirror head is coupled in a folding manner (Col 4, lines 8-10), with at least one perimeter light 110a, arranged in a fixed position with respect to the mirror head 128 and the mirror head 128 having a through-opening (defined by mounting panel (13) Figure 2 Col. 4 lines 45-46) for the rays emitted by the perimeter light 110a.

Regarding Claim 2, Miller discloses in Figure 7 the perimeter light 110b attached to an articulation 130 joining the mirror base to the mirror head 128.

Regarding Claim 5, Miller discloses in Figure 7, the perimeter light 110b as being accommodated in an articulation cover (not labeled, but shown as a continuation portion of the base 130 and extending from the mirror base at approximately a 90° angle into the mirror head).

Regarding Claim 6, Miller discloses in Figure 7, the articulation cover as extending from the mirror base and into the mirror head 128.

Regarding Claim 7, Miller discloses the articulation cover as comprising a through-opening (shown, but not labeled) through which the rays of the perimeter light 110b are emitted through).

Regarding Claim 11, Miller discloses in Figure 7 the perimeter light as comprising a housing (bulb holder Col 6, lines 17+) wherein a source is located.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view Hicks (US Pat 6,079,858).

Regarding Claims 3, Miller discloses in Figure 2, an illumination device 29 comprising a cover, but fails to explicitly disclose the cover (not labeled but shown) as being an optical window set into the through opening of the mirror head. Hicks discloses in Figure 2a an external rear view mirror with a light source having an optical window 30 set within the through-opening of the mirror head 28 in order to act as a lens for the emitted light (Col 2, lines 12-13). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cover of Miller with the optical window of Hicks so the window can act as a lens.

Regarding Claim 4, Miller discloses in Figure 2 the cover (not labeled, but shown) of the illuminating device 29 as being set below the perimeter light 22.

Regarding Claim 9, Miller fails to explicitly disclose an optical window set into the through opening of the articulation cover. Hicks discloses in Figure 2a an external rear view mirror with a light source having an optical window 30 set within the through-opening in order to act as a lens for the emitted light (Col 2, lines 12-13). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to modify the through hole of the articulation cover of Miller with the optical window of Hicks so the window can act as a lens.

### ***Allowable Subject Matter***

Claims 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding Claim 8, the prior art does not teach or show the through-hole opening of the articulation cover and the through-hole opening of the mirror head being located one above each other when the mirror head is in an operating position.

Regarding Claim 10, the prior art does not teach or show a projecting section of the optical window extending into the through-opening of the housing cover.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Deicke (DE 3635471 A1) and Yamada (4,809,137), and Assinder (6,572,250) disclose external rearview mirror with the light source on an articulating member.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571) 272-5919. The examiner can normally be reached between 9 am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RM

9/6/06



RENEE LUEBKE  
PRIMARY EXAMINER